

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

VANESSA SHULTZ,

Plaintiff,

vs.

ABE'S TRASH SERVICE, INC., and  
CHRISTOPHER F. SKINNER,

Defendants.

8:16CV243

ORDER

This matter is before the court on the plaintiff's Motion for an Award of Service Expenses and Attorney Fees (Filing No. 24). The plaintiff seeks the expenses and fees she incurred when she hired others to personally serve the defendants and pursued collection of the service expenses by filing this motion. The plaintiff filed evidence attached to her motion. The defendants did not respond to the plaintiff's motion.

The plaintiff filed this action on June 1, 2016. **See** Filing No. 1. On June 2, 2016, the plaintiff mailed a Notice of Lawsuit and Request for Waiver of Summons to each of the defendants. **See** Filing No. 24 - Ex. A. The plaintiff states each mailing included two copies of the waiver form (Ex. B) and a prepaid means to return them to the plaintiff. **Id.** - Motion p. 1. The defendants did not return the waivers. **Id.** The plaintiff incurred \$95.00 in expenses for each defendant when she had Christopher F. Skinner served on July 4, 2016, and Abe's Trash Service, Inc. served on July 6, 2016. **Id.** - Exs. C and D. The defendants filed an Answer on July 7, 2016. **See** Filing No. 10.

Federal Rule of Civil Procedure 4 imposes a duty on an individual or corporation subject to certain types of service "to avoid unnecessary expenses of serving the summons." Fed. R. Civ. P. 4(d)(1). Upon proper notice provided by the plaintiff,

If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

Fed. R. Civ. P. 4(d)(2).

The court finds the plaintiff provided to the defendants proper notice accompanied by Waiver of Summons forms. The defendants failed to sign and return the waiver forms within the thirty-day period provided. The defendants failed to provide any justification for such failure. The plaintiff incurred expenses serving the defendants and collecting those service expenses. Accordingly, the court will award the plaintiff the expenses she incurred making service and reasonable fees required for collecting those service expenses. The court finds \$100.00 represents a reasonable fee for the plaintiff's attorney filing the instant motion. Upon consideration,

**IT IS ORDERED:**

1. The plaintiff's Motion for an Award of Service Expenses and Attorney Fees (Filing No. 24) is granted.
2. The court awards the plaintiff \$190.00 for her service expenses and \$100.00 in reasonable fees for the plaintiff having to file the instant motion to collect the service expenses.
3. The defendants shall have to **on or before October 14, 2016**, to pay the plaintiff's attorney the sum of \$290.00 and file a notice with the court, which will serve as verification of payment.

Dated this 23rd day of September, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge